

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**ANTHONY GOUVEIA**

**PLAINTIFF**

**VS.**

**NO. 2:08CV23-MPM-DAS**

**CORRECTIONS CORPORATION  
OF AMERICA, ET AL.**

**DEFENDANTS**

**ORDER**

Before the Court are the plaintiff's motion for appointment of counsel and for a stay of this case pending appointment of counsel or his release from administrative segregation [doc. 27], the defendants' motion to compel [doc. 28], and the plaintiff's motion for extensions [doc. 35].

In support of the plaintiff's motion, he essentially states that he has been placed in administrative segregation and cannot effectively prosecute this case without counsel. The plaintiff further states that he will remain in segregation for at least the next eighteen to twenty-four months. On November 19, 2008, the Court ordered the defendants to thoroughly investigate the allegations made by the plaintiff and to specifically respond to his claims regarding the circumstances of his confinement in administrative segregation and his request for a stay of proceedings. On December 8, 2008, the defendants responded that the plaintiff is in administrative segregation because of disciplinary actions unrelated to this case and that the plaintiff has access to the law library. The defendants have provided the affidavit Todd Thomas, warden of Saguaro Correctional Facility, which sufficiently supports these representations. Accordingly, the Court finds consistent with its prior ruling that no extraordinary circumstance warrants appointment of counsel at this time.

With respect to the defendants' motion to compel discovery, the defendants state that the plaintiff has failed to respond to written discovery served on September 18, 2008. By his motion

[doc. 35] filed December 15, 2008, the plaintiff states that he needs additional time to respond to the defendants' motion to compel and to the Report and Recommendation entered on November 18, 2008. In support of his request for extensions of time, the Plaintiff states that because of his confinement in administrative segregation, he does not have access to his legal materials and that he is in need of legal assistance in order to respond to said filings.

For the reasons stated above, the Court finds that the plaintiff's confinement in administrative segregation and his lack of counsel do not prevent him from effectively prosecuting his case, which includes responding to the defendants' discovery requests and motions. Indeed, the plaintiff has successfully and consistently filed documents in this case while confined in segregation. Accordingly, the plaintiff's request for an extension of time within which to respond to the motion to compel should be denied, and the defendants' motion to compel should be granted. However, the plaintiff shall be granted a brief extension of time in which to respond to the Court's Report and Recommendations.

**THEREFORE, IT IS ORDERED:**

1. That the plaintiff's motion for appointment of counsel is hereby **DENIED**;
2. That the defendants' motion to compel discovery is hereby **GRANTED**, and the plaintiff shall fully respond to the defendants' interrogatories, requests for documents, and requests for admissions on or before January 9, 2009;
3. That the plaintiff's motion for extensions is **GRANTED** in part, and he shall have an extension until January 16, 2009, in which to respond to the Report and Recommendations.

**THIS**, the 17<sup>th</sup> of December, 2008.

/s/ David A. Sanders  
**U. S. MAGISTRATE JUDGE**